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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,454	05/04/2001	David J. Thomsen	33362.8002US	8656

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EXAMINER

SOTOMAYOR, JOHN

ART UNIT PAPER NUMBER

3714

DATE MAILED: 06/23/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	09/849,454	THOMSEN, DAVID J.	
	Examiner	Art Unit	
	John L. Sotomayor	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to amendment filed April 2, 2003, claims 1-25 are pending. Receipt of applicant's declaration under 37 C.F.R. §1.131 is acknowledged and accepted as proper.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,7-14,19 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook et al (US 5,727,950).
3. Regarding claim 1, Cook et al discloses a remote learning method comprising receiving a user selection for a remote educational course, providing course material, including text, for the selected course (Col 37, lines 32-51 and Fig 3), providing one or more executable application to the client computer relevant to the selected course (Col 37, lines 40-46), providing a virtual picture frame (Examiner accepts applicant's description of a virtual picture frame as a display configured in conjunction with a Browser and may include online information, information from executable applications, or both) including one or more links to executable applications and text which requires a user to access one or more of the applications, receiving a request at the client

Art Unit: 3714

computer to access an application through the virtual picture frame, and executing the requested application (Table 1 and Fig. 3).

4. Regarding claims 7-14, Cook et al discloses a virtual picture frame as shown in figures 3-4, in which links and active portions of the frame may be provided in a number of ways such as through the use of icons or alternatively by displayed text, links, graphics, multimedia, or any type of displayed information (Col 37, lines 52-63) including links to executable functions (Col 37, lines 55-61). The manner of disposition of the links and active portions of the screens is a matter of design choice on the part of the frame designer, and the executables attached to the active links on the screen are a matter of choice based upon the requirements for a given educational experience.

5. Regarding claim 19, Cook et al discloses a method comprising receiving over the computer network a client selection for an educational course (Col 37, lines 32-44), providing a virtual picture frame having one or more buttons, providing course material including text (Col 37, lines 49-51) and providing at the server a plurality of executable applications associated with button selections for the selected course (Col 37, lines 55-57 and Fig 3).

6. Regarding claim 25, Cook et al discloses a computer-readable medium with a data structure for displaying educational course information comprising providing a client selection for a remote educational course (Col 37, lines 32-44), receiving course material including text, receiving a multiple-section virtual picture frame, receiving one or more executable applications (Col 37, lines 40-51) and presenting a virtual picture frame with buttons or links requiring a user to access applications via presented links (Fig. 3), receiving a request from a user through a link to access and execute a requested executable application (Col 37, lines 5-21).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 2-3,15,16,21,22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al.

10. Regarding claim 2, Cook et al discloses a method and system that receives a client selection from a plurality of remote educational courses (Col 37, lines 30-42 and Table 1). Cook et al does not specifically disclose that one of those courses covers the educational content of compensation and benefits. However, it is a matter of design choice on the part of the administrator of the system disclosed by Cook et al as to the number and type of choices for educational content available in the course catalogue links made available to clients of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of

Art Unit: 3714

invention to provide a means for a client to select, as one of a plurality of courses, an educational course whose content covered the areas of compensation and benefits.

11. Regarding claims 3 and 24, Cook et al discloses a system in which course material may comprise text, audio, video, graphics or multimedia information (Col 37, lines 52-64). Cook et al does not specifically disclose that this information contains graphs, spreadsheets, examples and simulations. However, the basic building blocks for the said graphs, spreadsheets, examples and simulations consist of text, audio, video, graphics or multimedia files allowing the system disclosed by Cook et al to produce, as required by the course selected, graphs, spreadsheets, examples and simulations so as to further the educational experience of the client. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide graphs, spreadsheets, examples and simulations from the communication types available to the system disclosed by Cook et al as required so as to further the educational experience of the client.

12. Regarding claim 15, Cook et al discloses a remote learning method comprising receiving a user selection for a remote educational course, providing course material, including text, for the selected course (Col 37, lines 33-39 and Table 1), providing one or more executable application to the client computer relevant to the selected course (Col 37, lines 44-51 and Fig 3), a data storage device with a database from which relevant material is retrieved (Col 39, lines 4-13) providing a virtual picture frame including one or more links to executable applications and text which requires a user to access one or more of the applications (Col 37, lines 5-21), receiving a request at the client computer to access an application through the virtual picture frame, and provides customizable problems when executing the requested application (Col 40, lines 24-46).

Art Unit: 3714

Cook et al does not specifically disclose that the virtual picture frame and the browser are displayed simultaneously. However, the user starts the ES, the display system disclosed by Cook et al (Col 37, lines 1-13) either as a system management procedure or through the use of a browser (Col 37, line 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a virtual picture screen and a browser to be displayed simultaneously, along with the other limitations in the claim, for the purposes of providing greater flexibility to the users of the system.

13. Regarding claim 16, Cook et al discloses a computer-readable medium storing instructions comprising receiving a user selection for an educational course (Col 37, lines 45-51 and Table 1), providing course material including text, access to one or more executable applications, and access to a virtual picture frame that surrounds the course material and links to applications (Col 37, lines 52-63 and Fig 3). Cook et al does not specifically disclose that the virtual picture frame and the browser are displayed simultaneously. However, the user starts the ES, the display system disclosed by Cook et al (Col 37, lines 1-13) either as a system management procedure or through the use of a browser (Col 37, line 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a virtual picture screen and a browser to be displayed simultaneously, along with the other limitations in the claim, for the purposes of providing greater flexibility to the users of the system.

14. Regarding claim 21, Cook et al discloses a system in which a requested function or feature by the user or instructor is executed by the system and displayed in the active frame (Col 37, lines 33-54). Cook et al does not specifically disclose that the list of executable functions includes an active analysis application or a workshop application. However, the executables

Art Unit: 3714

attached to the active links in the virtual frame are a matter of choice based upon the requirements for a given educational experience. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system in which executable links would include links to a plurality of executable functions including an active analysis application or a workshop application.

15. Regarding claims 22, Cook et al discloses a computer-readable medium with a data structure for displaying educational course information comprising providing a client selection for a remote educational course (Col 24, lines 15-30), receiving course material including text, receiving a multiple-section virtual picture frame, receiving one or more executable applications (Col 37, lines 52-63) and presenting a virtual picture frame with buttons or links requiring a user to access applications via presented links (Fig. 3), receiving a request from a user through a link to access and execute a requested executable application (Col 38, lines 16-49 and Fig 7).

16. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al in view of Slider et al.

17. Regarding claim 18, Cook et al discloses providing access to the networked system through a browser interface (Col 37, lines 54). Cook et al does not specifically disclose that access to links on the virtual picture frame may include one or more URLs for accessing information on the World Wide Web. However, Slider et al teaches a remote education experience that accesses and displays educational information at the request of students by clicking on links provided on screen displays for downloading information from web pages (Col 14, lines 8-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide access to links on the virtual picture frame may include one or more

Art Unit: 3714

URLs for accessing information on the World Wide Web for the purposes of providing a large information and educational resource to users connected to the networked educational system.

18. Claims 4, 6, 17, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al in view of Fields et al (US 6,347,943 B1).

19. Regarding claims 4,17,20, and 23, Cook et al discloses a method and system in which a virtual picture frame, including links to a plurality of executable applications, for an educational tutorial system is downloaded to a client computer (Fig. 3 and Col 37). Cook et al does not specifically disclose that the frame is downloaded by an applet. However, Fields et al teaches an educational system in which the virtual embodiment of a tutorial may be downloaded to a client system through the Internet via an applet (Col 4, lines 8-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a common and well-known means for downloading a virtual picture frame for an educational system such as an applet. Combining the system disclosed by Cook et al with the teaching of Fields et al produces a more readily available tutorial system for users with Internet access.

20. Regarding claim 6, Cook et al discloses a system in which a requested function or feature by the user or instructor is executed by the system and displayed in the active frame (Col 40, lines 24-54). Cook et al does not specifically disclose that the list of executable functions includes an active analysis application or a workshop application. However, the executables attached to the active links in the virtual frame are a matter of choice based upon the requirements for a given educational experience. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system in which executable links

Art Unit: 3714

would include links to a plurality of executable functions including an active analysis application or a workshop application.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al in view of Fields et al in further view of Slider et al (US 6,505,031).

22. Regarding claim 5, Cook et al discloses providing access to the networked system through a browser interface (Col 37, lines 54). Cook et al does not specifically disclose that access to links on the virtual picture frame may include one or more URLs for accessing information on the World Wide Web. However, Slider et al teaches a remote education experience that accesses and displays educational information at the request of students by clicking on links provided on screen displays for downloading information from web pages (Col 14, lines 8-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide access to links on the virtual picture frame may include one or more URLs for accessing information on the World Wide Web for the purposes of providing a large information and educational resource to users connected to the networked educational system.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kennady (5,690,496) for a discussion of an educational system with a multimedia and networked display.

Art Unit: 3714

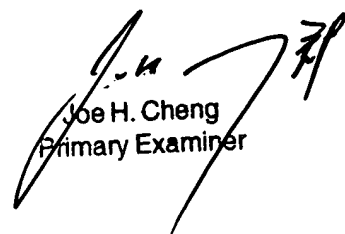
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-8361 for regular communications and 703-746-8361 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4558.


Joe H. Cheng
Primary Examiner

Application/Control Number: 09/849,454

Page 11

Art Unit: 3714

jls

June 13, 2003